

SEC. 2. That in case of a vacancy occurring by death or otherwise of either or both of said commissioners it shall be the duty of the county commissioners of Lincoln county, upon application of any interested land owner on said creek, to appoint some suitable person owning land on said creek to fill such vacancy.

Vacancies occurring:

SEC. 3. That said commissioners shall appoint an overseer who shall serve for a term of two years from his appointment and until his successor is qualified.

Commissioners shall appoint overseer.

SEC. 4. It shall be the duty of said commissioners at least twice in every year to examine said stream and notify the said overseer of any and all work necessary and proper to be done in order to keep said stream free from obstructions and the bank thereof clean; and so also notify the said overseer of any alterations or changes that should be made in the channel of said stream. It shall be the duty of said overseer, upon such information received from said commissioners within five days thereafter, to notify the respective land owners of what work is needed along said stream.

Commissioners shall examine stream.

SEC. 5. That each land owner along said stream shall keep the bed of said stream adjoining his land clean from logs, brush and other obstructions, and to keep the banks of said stream clean for a distance of four feet from said bank, and to widen and straighten and change the channel of said stream when deemed necessary by the said commissioners.

Land owners shall perform certain duties.

SEC. 6. That each land owner shall within fifteen days after notification by said overseer begin and continue until he has completed any work required of him in accordance with the directions of said overseer.

When notice is given by overseer.

SEC. 7. That each land owner shall be required to furnish such implements and means for working, clearing and removing obstructions and straightening and changing the channel of said stream as are necessary and proper for such work, and shall be required to work such time as the said overseer may deem necessary and proper, not exceeding twenty days in a year.

Land owners shall furnish implements.

SEC. 8. That any person who shall willfully refuse to perform the work required of him for the space of fifteen days after such notification shall be guilty of a misdemeanor and on conviction shall be fined not less than five nor more than twenty dollars or imprisoned not more than thirty days; *Provided*, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offense was committed before a presentment is made of the same, he or they shall not be liable to indictment for said offense.

Persons refusing to perform work.

Misdemeanor.
Penalty.
Proviso.

SEC. 9. That all moneys arising from failure to work on said creek and all fines and penalties collected under the provisions of this act shall be paid to the said overseer and by him expended under the direction of said commissioners in improving the chan-

Moneys arising from fines

How applied.